

United States District Court

NORTHERN

DISTRICT OF

FILED
CALIFORNIA

2008 FEB 22 10:50

UNITED STATES OF AMERICA

V.

Jorge LEMOS-Loya
(Name and Address of Defendant)RICHARD W. WIEKING
CLERK
DISTRICT COURT
NO. DIST. OF CA. S.J.

CRIMINAL COMPLAINT

08-70098PVT

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, January 14, 2008, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following
Official Title
facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM: [Signature]
ASSISTANT UNITED STATES ATTORNEYContinued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

Signature of Complainant

2/22/08
Date

at

San Jose, California
City and StatePatricia V. Trumbull
United States Magistrate Judge
Name & Title of Judicial OfficerPatricia V. Trumbull
Signature of Judicial Officer

RE: LEMOS-Loya, Jorge A98 254 042

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. LEMOS-Loya is a 26-year-old male who has used eleven (11) aliases and two (2) dates of birth in the past.
- (2) Mr. LEMOS-Loya has been assigned one (1) Alien Registration number of A98 254 042, FBI number of 573995CC8, California Criminal Information Index number of A24879242, and a Santa Clara County Personal File Number of DTR207.
- (3) Mr. LEMOS-Loya is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on two (2) occasions from the United States:

DATE

April 6, 2005

July 8, 2005

PLACE OF DEPORTATION

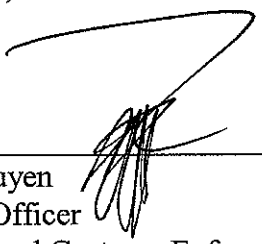
San Ysidro, CA

Calexico, CA

- (4) Mr. LEMOS-Loya last entered the United States at or near San Luis, AZ on or after July 8, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. LEMOS-Loya on a date unknown, but no later than January 14, 2008, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On February 13, 2008, Mr. LEMOS-Loya was interviewed by Immigration Enforcement Agent (IEA) Steven Contreras at the CTF-Soledad State Prison, Soledad, CA, and during that interview, Mr. LEMOS-Loya was advised of his **Miranda** rights in Spanish. Mr. LEMOS-Loya waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: LEMOS-Loya, Jorge A98 254 042

- (6) Mr. LEMOS-Loya was, on April 16, 2004, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESSION CONTROLLED SUBSTANCE FOR SALE (cases# CC442396), an aggravated felony, in violation of Section 11378 of the California Health and Safety Code, and was sentenced to one (1) year in Jail.
- (7) Mr. LEMOS-Loya was, on June 28, 2004, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESSION FOR SALE OF CONTROLLED SUBSTANCE, TO WIT: METH (cases# CC456009), an aggravated felony, in violation of Section 11378 of the California Health and Safety Code, and was sentenced to sixteen (16) months in prison.
- (8) Mr. LEMOS-Loya was, on April 29, 2005, convicted in the United States District Court, Southern District of California, for the offense of ILLEGAL ENTRY, a misdemeanor, in violation of 8 United States Code, Section 1325, and was sentenced to seventy five (75) days.
- (9) Mr. LEMOS-Loya was, on January 2, 2007, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of TRANSPORTATION, SALE, DISTRIBUTION OF CONTROLLED SUBSTANCE-METHAMPHETAMINE, a felony, in violation of Section 11379(a) of the California Health and Safety Code, and was sentenced to three (3) years in prison.
- (10) On the basis of the above information, there is probable cause to believe that Mr. LEMOS-Loya illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 22 day of Feb, 2008


PATRICIA V. TRUMBULL
UNITED STATES MAGISTRATE JUDGE